

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

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APPLETON PAPERS INC. and  
NCR CORPORATION,

Plaintiffs,

v.

Case No. 08-C-00016

GEORGE A. WHITING PAPER COMPANY, *et al.*,

Defendants.

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**ORDER**

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Based on the stipulation submitted by NCR Corporation (“NCR”) and Appleton Papers (“API”) (collectively, “Plaintiffs”) and the City of Green Bay, **IT IS HEREBY ORDERED** that:

1. Judgment is entered in favor of the City of Green Bay and against each Plaintiff on (a) the claim for relief under 42 U.S.C. § 9607 asserted in Plaintiffs’ Fifth Amended Complaint of Plaintiffs (Dkt. #149); (b) all claims asserted in Plaintiffs’ Seventh Amended Complaint (Dkt. #265); and the claim asserted in API’s Eighth Amended Complaint (Dkt. #1483);

2. The City of Green Bay shall recover nothing from NCR for past response costs;

3. NCR shall reimburse the City of Green Bay an amount equal to the full amount of any future response costs that are recoverable under 42 U.S.C. § 9607 that the City of Green Bay may incur in connection with Operable Unit 2 through Operable Unit 5 of the Lower Fox River Site, subject to the Court’s ruling on insurance offsets in the March 2011 Order (Dkt. #1080);

4. NCR shall reimburse the City of Green Bay an amount equal to the full amount of any future natural resource damages payments that the City of Green Bay may incur in connection with Operable Units 2 through 5 of the Lower Fox River Site, subject to the Court's ruling on insurance offsets in the March 2011 Order (Dkt. #1080);

5. Judgment is entered in favor of API and against the City of Green Bay on all of the City of Green Bay's counterclaims;

6. Judgment is entered in favor of NCR and against the City of Green Bay on all of the City of Green Bay's counterclaims arising under the laws of the State of Wisconsin or any other state;

7. This Order shall not affect the United States' Motion to Enter the Proposed Consent Decree with the City of Green Bay, or Plaintiffs' opposition to that Motion and the Proposed Consent Decree; and

8. This Order shall not affect any of Plaintiffs' or the City of Green Bay's rights to challenge, on appeal or otherwise, the Court's March 2011 Order (Dkt. #1080), the Court's July 2012 Order (Dkt. #1405), the Court's October 2012 Order (Dkt. #1437), or any other order issued by this Court.

Dated this 1st day November, 2012.

s/ William C. Griesbach  
William C. Griesbach, Chief Judge  
United States District Court